

Chapter 9

Applicant and Participant Grievances

AHFC will provide Housing Choice Voucher Program applicants and participants an opportunity to protest certain adverse actions. The process ensures that AHFC decisions comply with the law, regulations [24 CFR 982.554, 24 CFR 982.555, and HUD Guidebook 7420.10], and AHFC policies.

9.1 REASONABLE ACCOMMODATION

AHFC will provide a necessary reasonable accommodation to any person with a disability to allow that person to participate in an AHFC grievance procedure. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the applicant or participant is visually impaired, notices will be in an accessible format. Persons requiring a reasonable accommodation can contact the local AHFC office, contact their local AHFC representative, or complete a Reasonable Accommodation Request (form RA800) for assistance with the process.

9.2 GRIEVANCE PROCESS

AHFC grievance procedures give applicants and participants an opportunity to discuss AHFC decisions and present facts in support of their position. AHFC is not subject to the State of Alaska Administrative Procedures Act, but its grievance procedures do comply with HUD regulations.

9.2.A Applicants

An applicant is a family who has applied for assistance or been selected from the waiting list, but has not had an executed HAP contract for rental assistance.

Applicants may request an Informal Review. An Informal Review decision is AHFC's final administrative decision. See Exhibit 9-1 for the Applicant Informal Review Process.

9.2.B Participants

A participant is a family who has an executed HAP contract for rental assistance. A continuously assisted participant is a family who had an executed HAP contract for rental assistance and is currently under a housing choice voucher term. This may also include families coming to AHFC from other housing authorities under portability.

Participants may request an Informal Hearing. Prior to an Informal Hearing, AHFC will offer participants an opportunity to discuss a decision in an Administrative Review. See the Administrative Review section below. An Informal Hearing decision is AHFC's final administrative decision. See Exhibit 9-2 for the Participant Informal Hearing Process.

9.2.C Legal Counsel

If the applicant or participant discloses that legal counsel will represent him/her during any grievance process, field staff will notify their regional manager and AHFC's legal counsel at once. AHFC must notify the tenant if it will be represented by legal counsel.

9.3 DENIAL DUE TO INELIGIBLE IMMIGRATION STATUS

Unlike other reasons for denial, AHFC will offer the Informal Hearing process to both participants and applicants for a denial of assistance based upon ineligible immigration status (24 CFR 5.514). The applicant or participant must make such a request in writing within thirty (30) calendar days of receipt of AHFC's decision to deny assistance or within thirty (30) calendar days of an INS appeal decision.

Documents listed at 24 CFR 5.514, section (h) "Retention of Documents" parts (1) through (9), will be maintained by AHFC in accordance with the required retention time frame listed in that section of the regulations.

9.4 VOUCHER TERM EXPIRATION

AHFC's decision not to extend or suspend a voucher term is not eligible for the grievance process. See Chapters 5 (for applicants) and 8 (participants) for the appropriate notice to send. AHFC will not deny a family admission to a waiting list or program under the 1937 Housing Act for failure to utilize a voucher or lease.

9.5 CRIMINAL RECORD REMOVAL

Staff will treat criminal records as a confidential record and dispose of it using the same guidelines. See Exhibit 2-4 for criminal record removal for all families.

Forms

AP110 Ineligibility Notice

Administrative Desk Manual

Archiving